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# HOUSE BILL No. 1187

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-12.1.

**Synopsis:** Property tax abatements. Authorizes counties and municipalities to provide property tax abatements for logistical distribution equipment installed after June 30, 2004.

**Effective:** July 1, 2004.

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### Borrer, Austin

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January 13, 2004, read first time and referred to Committee on Ways and Means.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1187

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-1.1-12.1-1, AS AMENDED BY P.L.4-2000,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2004]: Sec. 1. For purposes of this chapter:

4 (1) "Economic revitalization area" means an area which is within  
5 the corporate limits of a city, town, or county which has become  
6 undesirable for, or impossible of, normal development and  
7 occupancy because of a lack of development, cessation of growth,  
8 deterioration of improvements or character of occupancy, age,  
9 obsolescence, substandard buildings, or other factors which have  
10 impaired values or prevent a normal development of property or  
11 use of property. The term "economic revitalization area" also  
12 includes:

13 (A) any area where a facility or a group of facilities that are  
14 technologically, economically, or energy obsolete are located  
15 and where the obsolescence may lead to a decline in  
16 employment and tax revenues; and

17 (B) a residually distressed area, except as otherwise



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- 1 provided in this chapter.
- 2 (2) "City" means any city in this state, and "town" means any town
- 3 incorporated under IC 36-5-1.
- 4 (3) "New manufacturing equipment" means any tangible personal
- 5 property which:
- 6 (A) was installed after February 28, 1983, and before January
- 7 1, 2006, in an area that is declared an economic revitalization
- 8 area after February 28, 1983, in which a deduction for tangible
- 9 personal property is allowed;
- 10 (B) is used in the direct production, manufacture, fabrication,
- 11 assembly, extraction, mining, processing, refining, or finishing
- 12 of other tangible personal property, including but not limited
- 13 to use to dispose of solid waste or hazardous waste by
- 14 converting the solid waste or hazardous waste into energy or
- 15 other useful products; and
- 16 (C) was acquired by its owner for use as described in clause
- 17 (B) and was never before used by its owner for any purpose in
- 18 Indiana.
- 19 However, notwithstanding any other law, the term includes
- 20 tangible personal property that is used to dispose of solid waste or
- 21 hazardous waste by converting the solid waste or hazardous waste
- 22 into energy or other useful products and was installed after March
- 23 1, 1993, and before March 2, 1996, even if the property was
- 24 installed before the area where the property is located was
- 25 designated as an economic revitalization area or the statement of
- 26 benefits for the property was approved by the designating body.
- 27 (4) "Property" means a building or structure, but does not include
- 28 land.
- 29 (5) "Redevelopment" means the construction of new structures in
- 30 economic revitalization areas, either:
- 31 (A) on unimproved real estate; or
- 32 (B) on real estate upon which a prior existing structure is
- 33 demolished to allow for a new construction.
- 34 (6) "Rehabilitation" means the remodeling, repair, or betterment
- 35 of property in any manner or any enlargement or extension of
- 36 property.
- 37 (7) "Designating body" means the following:
- 38 (A) For a county that does not contain a consolidated city, the
- 39 fiscal body of the county, city, or town.
- 40 (B) For a county containing a consolidated city, the
- 41 metropolitan development commission.
- 42 (8) "Deduction application" means either:

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(A) the application filed in accordance with section 5 of this chapter by a property owner who desires to obtain the deduction provided by section 3 of this chapter; or

(B) the application filed in accordance with section 5.5 of this chapter **(repealed)** by a person who desires to obtain the deduction provided by section 4.5 of this chapter.

(9) "Designation application" means an application that is filed with a designating body to assist that body in making a determination about whether a particular area should be designated as an economic revitalization area.

(10) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a). The term includes waste determined to be a hazardous waste under IC 13-22-2-3(b).

(11) "Solid waste" has the meaning set forth in IC 13-11-2-205(a). However, the term does not include dead animals or any animal solid or semisolid wastes.

(12) "New research and development equipment" means tangible personal property that:

(A) is installed after June 30, 2000, and before January 1, 2006, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) laboratory equipment;
- (ii) research and development equipment;
- (iii) computers and computer software;
- (iv) telecommunications equipment; or
- (v) testing equipment;

(C) is used in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products; and

(D) is acquired by the property owner for purposes described in this subdivision and was never before used by the owner for any purpose in Indiana.

The term does not include equipment installed in facilities used for or in connection with efficiency surveys, management studies, consumer surveys, economic surveys, advertising or promotion, or research in connection with literacy, history, or similar projects.

**(13) "New logistical distribution equipment" means tangible personal property that:**

**(A) is installed after June 30, 2004, and before January 1,**

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2006, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) racking equipment;
- (ii) scanning or coding equipment;
- (iii) separators;
- (iv) conveyors;
- (v) fork lifts or lifting equipment (including "walk behinds");
- (vi) transitional moving equipment;
- (vii) packaging equipment;
- (viii) sorting and picking equipment; or
- (ix) software for technology used in logistical distribution;

(C) is used for the storage or distribution of goods, services, or information; and

(D) before being used as described in clause (C), was never used by its owner for any purpose in Indiana.

SECTION 2. IC 6-1.1-12.1-2, AS AMENDED BY P.L.4-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) A designating body may find that a particular area within its jurisdiction is an economic revitalization area. However, the deduction provided by this chapter for economic revitalization areas not within a city or town shall not be available to retail businesses.

(b) In a county containing a consolidated city or within a city or town, a designating body may find that a particular area within its jurisdiction is a residentially distressed area. Designation of an area as a residentially distressed area has the same effect as designating an area as an economic revitalization area, except that the amount of the deduction shall be calculated as specified in section 4.1 of this chapter and the deduction is allowed for not more than five (5) years. In order to declare a particular area a residentially distressed area, the designating body must follow the same procedure that is required to designate an area as an economic revitalization area and must make all the following additional findings or all the additional findings described in subsection (c):

- (1) The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings or multifamily dwellings designed for up to four (4) families, including accessory buildings for those dwellings.
- (2) Any dwellings in the area are not permanently occupied and

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are:

(A) the subject of an order issued under IC 36-7-9; or

(B) evidencing significant building deficiencies.

(3) Parcels of property in the area:

(A) have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or

(B) are owned by a unit of local government.

However, in a city in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the designating body is only required to make one (1) of the additional findings described in this subsection or one (1) of the additional findings described in subsection (c).

(c) In a county containing a consolidated city or within a city or town, a designating body that wishes to designate a particular area a residentially distressed area may make the following additional findings as an alternative to the additional findings described in subsection (b):

(1) A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land.

(2) A significant number of dwelling units within the area are:

(A) the subject of an order issued under IC 36-7-9; or

(B) evidencing significant building deficiencies.

(3) The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the area is owned by Indiana or the United States.

(4) The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the designating body's jurisdiction.

However, in a city in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the designating body is only required to make one (1) of the additional findings described in this subsection as an alternative to one (1) of the additional findings described in subsection (b).

(d) A designating body is required to attach the following conditions to the grant of a residentially distressed area designation:

(1) The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.

(2) If a designation application is filed, the designating body may require that the redevelopment or rehabilitation be completed within a reasonable period of time.

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(e) To make a designation described in subsection (a) or (b), the designating body shall use procedures prescribed in section 2.5 of this chapter.

(f) The property tax deductions provided by sections 3 and 4.5 of this chapter are only available within an area which the designating body finds to be an economic revitalization area.

(g) The designating body may adopt a resolution establishing general standards to be used, along with the requirements set forth in the definition of economic revitalization area, by the designating body in finding an area to be an economic revitalization area. The standards must have a reasonable relationship to the development objectives of the area in which the designating body has jurisdiction. The following three (3) sets of standards may be established:

(1) One (1) relative to the deduction under section 3 of this chapter for economic revitalization areas that are not residentially distressed areas.

(2) One (1) relative to the deduction under section 3 of this chapter for residentially distressed areas.

(3) One (1) relative to the deduction allowed under section 4.5 of this chapter.

(h) A designating body may impose a fee for filing a designation application for a person requesting the designation of a particular area as an economic revitalization area. The fee may be sufficient to defray actual processing and administrative costs. However, the fee charged for filing a designation application for a parcel that contains one (1) or more owner-occupied, single-family dwellings may not exceed the cost of publishing the required notice.

(i) In declaring an area an economic revitalization area, the designating body may:

(1) limit the time period to a certain number of calendar years during which the area shall be so designated;

(2) limit the type of deductions that will be allowed within the economic revitalization area to either the deduction allowed under section 3 of this chapter or the deduction allowed under section 4.5 of this chapter;

(3) limit the dollar amount of the deduction that will be allowed with respect to new manufacturing equipment, ~~and~~ new research and development equipment, **and new logistical distribution equipment** if a deduction under this chapter had not been filed before July 1, 1987, for that equipment;

(4) limit the dollar amount of the deduction that will be allowed with respect to redevelopment and rehabilitation occurring in

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1 areas that are designated as economic revitalization areas on or  
2 after September 1, 1988; or

3 (5) impose reasonable conditions related to the purpose of this  
4 chapter or to the general standards adopted under subsection (g)  
5 for allowing the deduction for the redevelopment or rehabilitation  
6 of the property or the installation of the new manufacturing  
7 equipment, ~~or new research and development equipment, or both;~~  
8 **new logistical distribution equipment.**

9 To exercise one (1) or more of these powers a designating body must  
10 include this fact in the resolution passed under section 2.5 of this  
11 chapter.

12 (j) Notwithstanding any other provision of this chapter, if a  
13 designating body limits the time period during which an area is an  
14 economic revitalization area, that limitation does not:

15 (1) prevent a taxpayer from obtaining a deduction for new  
16 manufacturing equipment, ~~or new research and development~~  
17 equipment, or ~~both;~~ **new logistical distribution equipment**  
18 installed before January 1, 2006, but after the expiration of the  
19 economic revitalization area if:

20 (A) the economic revitalization area designation expires after  
21 December 30, 1995; and

22 (B) the new manufacturing equipment, ~~or new research and~~  
23 development equipment, or ~~both;~~ **new logistical distribution**  
24 **equipment** was described in a statement of benefits submitted  
25 to and approved by the designating body in accordance with  
26 section 4.5 of this chapter before the expiration of the  
27 economic revitalization area designation; or

28 (2) limit the length of time a taxpayer is entitled to receive a  
29 deduction to a number of years that is less than the number of  
30 years designated under section 4 or 4.5 of this chapter.

31 (k) Notwithstanding any other provision of this chapter, deductions:

32 (1) that are authorized under section 3 of this chapter for property  
33 in an area designated as an urban development area before March  
34 1, 1983, and that are based on an increase in assessed valuation  
35 resulting from redevelopment or rehabilitation that occurs before  
36 March 1, 1983; or

37 (2) that are authorized under section 4.5 of this chapter for new  
38 manufacturing equipment installed in an area designated as an  
39 urban development area before March 1, 1983;

40 apply according to the provisions of this chapter as they existed at the  
41 time that an application for the deduction was first made. No deduction  
42 that is based on the location of property or new manufacturing

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equipment in an urban development area is authorized under this chapter after February 28, 1983, unless the initial increase in assessed value resulting from the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment occurred before March 1, 1983.

(l) If property located in an economic revitalization area is also located in an allocation area (as defined in IC 36-7-14-39 or IC 36-7-15.1-26), an application for the property tax deduction provided by this chapter may not be approved unless the commission that designated the allocation area adopts a resolution approving the application.

SECTION 3. IC 6-1.1-12.1-4.5, AS AMENDED BY P.L.1-2003, SECTION 22, AND AS AMENDED BY P.L.245-2003, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4.5. (a) For purposes of this section, "personal property" means personal property other than inventory (as defined in IC 6-1.1-3-11(a)).

(b) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the installation of the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both;~~ **new logistical distribution equipment** for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both;~~ **new logistical distribution equipment** that the person proposes to acquire.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment ~~or~~ **new logistical distribution equipment;**

an estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the installation of the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both;~~ **new logistical distribution equipment** and an estimate of the annual salaries of these individuals.

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(3) An estimate of the cost of the new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~: **new logistical distribution equipment.**

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products by the new manufacturing equipment.

The statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(c) The designating body must review the statement of benefits required under subsection (b). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

(1) Whether the estimate of the cost of the new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~, **new logistical distribution equipment** is reasonable for equipment of that type.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment ~~or~~ **new logistical distribution equipment;**

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~: **new logistical distribution equipment.**

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~: **new logistical distribution equipment.**

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that

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will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~ **new logistical distribution equipment**.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(d) Except as provided in subsection (h), an owner of new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~ **new logistical distribution equipment** whose statement of benefits is approved after June 30, 2000, is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under subsection (g). Except as provided in subsection (f) and in section 2(i)(3) of this chapter, the amount of the deduction that an owner is entitled to for a particular year equals the product of:

- (1) the assessed value of the new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~ **new logistical distribution equipment** in the year of deduction under the appropriate table set forth in subsection (e); multiplied by
- (2) the percentage prescribed in the *appropriate* table set forth in subsection (e).

(e) The percentage to be used in calculating the deduction under subsection (d) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd and thereafter	0%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
3rd and thereafter	0%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

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1	2nd	66%
2	3rd	33%
3	4th and thereafter	0%
4	(4) For deductions allowed over a four (4) year period:	
5	YEAR OF DEDUCTION	PERCENTAGE
6	1st	100%
7	2nd	75%
8	3rd	50%
9	4th	25%
10	5th and thereafter	0%
11	(5) For deductions allowed over a five (5) year period:	
12	YEAR OF DEDUCTION	PERCENTAGE
13	1st	100%
14	2nd	80%
15	3rd	60%
16	4th	40%
17	5th	20%
18	6th and thereafter	0%
19	(6) For deductions allowed over a six (6) year period:	
20	YEAR OF DEDUCTION	PERCENTAGE
21	1st	100%
22	2nd	85%
23	3rd	66%
24	4th	50%
25	5th	34%
26	6th	25%
27	7th and thereafter	0%
28	(7) For deductions allowed over a seven (7) year period:	
29	YEAR OF DEDUCTION	PERCENTAGE
30	1st	100%
31	2nd	85%
32	3rd	71%
33	4th	57%
34	5th	43%
35	6th	29%
36	7th	14%
37	8th and thereafter	0%
38	(8) For deductions allowed over an eight (8) year period:	
39	YEAR OF DEDUCTION	PERCENTAGE
40	1st	100%
41	2nd	88%
42	3rd	75%

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1	4th	63%
2	5th	50%
3	6th	38%
4	7th	25%
5	8th	13%
6	9th and thereafter	0%

(9) For deductions allowed over a nine (9) year period:

8	YEAR OF DEDUCTION	PERCENTAGE
9	1st	100%
10	2nd	88%
11	3rd	77%
12	4th	66%
13	5th	55%
14	6th	44%
15	7th	33%
16	8th	22%
17	9th	11%
18	10th and thereafter	0%

(10) For deductions allowed over a ten (10) year period:

20	YEAR OF DEDUCTION	PERCENTAGE
21	1st	100%
22	2nd	90%
23	3rd	80%
24	4th	70%
25	5th	60%
26	6th	50%
27	7th	40%
28	8th	30%
29	9th	20%
30	10th	10%
31	11th and thereafter	0%

(f) With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

(1) the deduction under this section as in effect on March 1, 2001; and

(2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

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(g) For an economic revitalization area designated before July 1, 2000, the designating body shall determine whether a property owner whose statement of benefits is approved after April 30, 1991, is entitled to a deduction for five (5) or ten (10) years. For an economic revitalization area designated after June 30, 2000, the designating body shall determine the number of years the deduction is allowed. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(h) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

(1) is convicted of a violation under IC 13-7-13-3 (repealed), IC 13-7-13-4 (repealed), or IC 13-30-6; or

(2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

SECTION 4. IC 6-1.1-12.1-5.4, AS AMENDED BY P.L.245-2003, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5.4. (a) A person that desires to obtain the deduction provided by section 4.5 of this chapter must file a certified deduction application on forms prescribed by the department of local government finance with the auditor of the county in which the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both~~, **new logistical distribution equipment** is located. A person that timely files a personal property return under IC 6-1.1-3-7(a) for the year in which the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both~~, **new logistical distribution equipment** is installed must file the application between March 1 and May 15 of that year. A person that obtains a filing extension under IC 6-1.1-3-7(b) for the year in which the new

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1 manufacturing equipment, ~~or~~ new research and development  
 2 equipment, or ~~both~~, **new logistical distribution equipment** is installed  
 3 must file the application between March 1 and the extended due date  
 4 for that year.

5 (b) The deduction application required by this section must contain  
 6 the following information:

7 (1) The name of the owner of the new manufacturing equipment,  
 8 ~~or~~ new research and development equipment, or ~~both~~, **new**  
 9 **logistical distribution equipment**.

10 (2) A description of the new manufacturing equipment, ~~or~~ new  
 11 research and development equipment, or ~~both~~, **new logistical**  
 12 **distribution equipment**.

13 (3) Proof of the date the new manufacturing equipment, ~~or~~ new  
 14 research and development equipment, or ~~both~~, **new logistical**  
 15 **distribution equipment** was installed.

16 (4) The amount of the deduction claimed for the first year of the  
 17 deduction.

18 (c) This subsection applies to a deduction application with respect to  
 19 new manufacturing equipment, ~~or~~ new research and development  
 20 equipment, or ~~both~~, **new logistical distribution equipment** for which  
 21 a statement of benefits was initially approved after April 30, 1991. If  
 22 a determination about the number of years the deduction is allowed has  
 23 not been made in the resolution adopted under section 2.5 of this  
 24 chapter, the county auditor shall send a copy of the deduction  
 25 application to the designating body, and the designating body shall  
 26 adopt a resolution under section 4.5(g)(2) of this chapter.

27 (d) A deduction application must be filed under this section in the  
 28 year in which the new manufacturing equipment, ~~or~~ new research and  
 29 development equipment, or ~~both~~, **new logistical distribution**  
 30 **equipment** is installed and in each of the immediately succeeding  
 31 years the deduction is allowed.

32 (e) Subject to subsection (i), the county auditor shall:

33 (1) review the deduction application; and

34 (2) approve, deny, or alter the amount of the deduction.

35 Upon approval of the deduction application or alteration of the amount  
 36 of the deduction, the county auditor shall make the deduction. The  
 37 county auditor shall notify the county property tax assessment board of  
 38 appeals of all deductions approved under this section.

39 (f) If the ownership of new manufacturing equipment, ~~or~~ new  
 40 research and development equipment, or ~~both~~, **new logistical**  
 41 **distribution equipment** changes, the deduction provided under section  
 42 4.5 of this chapter continues to apply to that equipment if the new

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owner:

(1) continues to use the equipment in compliance with any standards established under section 2(g) of this chapter; and

(2) files the deduction applications required by this section.

(g) The amount of the deduction is the percentage under section 4.5 of this chapter that would have applied if the ownership of the property had not changed multiplied by the assessed value of the equipment for the year the deduction is claimed by the new owner.

(h) A person may appeal the determination of the county auditor under subsection (e) by filing a complaint in the office of the clerk of the circuit or superior court not more than forty-five (45) days after the county auditor gives the person notice of the determination.

(i) Before the county auditor acts under subsection (e), the county auditor may request that the township assessor in which the property is located review the deduction application.

SECTION 5. IC 6-1.1-12.1-5.6, AS AMENDED BY P.L.4-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5.6. (a) This subsection applies to a property owner whose statement of benefits was approved under section 4.5 of this chapter before July 1, 1991. In addition to the requirements of section 5.5(b) of this chapter (**repealed**), a deduction application filed under section 5.5 of this chapter (**repealed**) must contain information showing the extent to which there has been compliance with the statement of benefits approved under section 4.5 of this chapter. Failure to comply with a statement of benefits approved before July 1, 1991, may not be a basis for rejecting a deduction application.

(b) This subsection applies to a property owner whose statement of benefits was approved under section 4.5 of this chapter after June 30, 1991. In addition to the requirements of section 5.5(b) of this chapter (**repealed**), a property owner who files a deduction application under section 5.5 of this chapter (**repealed**) must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 4.5 of this chapter.

(c) Notwithstanding IC 5-14-3 and IC 6-1.1-35-9, the following information is a public record if filed under this section:

(1) The name and address of the taxpayer.

(2) The location and description of the new manufacturing equipment, ~~or new research and development equipment, or both;~~ **new logistical distribution equipment** for which the deduction was granted.

(3) Any information concerning the number of employees at the

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1 facility where the new manufacturing equipment, ~~or~~ new research  
 2 and development equipment, or ~~both~~, **new logistical distribution**  
 3 **equipment** is located, including estimated totals that were  
 4 provided as part of the statement of benefits.

5 (4) Any information concerning the total of the salaries paid to  
 6 those employees, including estimated totals that were provided as  
 7 part of the statement of benefits.

8 (5) Any information concerning the amount of solid waste or  
 9 hazardous waste converted into energy or other useful products by  
 10 the new manufacturing equipment.

11 (6) Any information concerning the assessed value of the new  
 12 manufacturing equipment, ~~or~~ new research and development  
 13 equipment, or ~~both~~, **new logistical distribution equipment**  
 14 including estimates that were provided as part of the statement of  
 15 benefits.

16 (d) The following information is confidential if filed under this  
 17 section:

18 (1) Any information concerning the specific salaries paid to  
 19 individual employees by the owner of the new manufacturing  
 20 equipment, ~~or~~ new research and development equipment, or ~~both~~.  
 21 **new logistical distribution equipment.**

22 (2) Any information concerning the cost of the new manufacturing  
 23 equipment, ~~or~~ new research and development equipment, or ~~both~~.  
 24 **new logistical distribution equipment.**

25 SECTION 6. IC 6-1.1-12.1-5.8, AS AMENDED BY P.L.256-2003,  
 26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2004]: Sec. 5.8. In lieu of providing the statement of benefits  
 28 required by section 3 or 4.5 of this chapter and the additional  
 29 information required by section 5.1 or 5.6 of this chapter, the  
 30 designating body may, by resolution, waive the statement of benefits if  
 31 the designating body finds that the purposes of this chapter are served  
 32 by allowing the deduction and the property owner has, during the  
 33 thirty-six (36) months preceding the first assessment date to which the  
 34 waiver would apply, installed new manufacturing equipment, ~~or~~ new  
 35 research and development equipment, or ~~both~~, **new logistical**  
 36 **distribution equipment**, or developed or rehabilitated property at a  
 37 cost of at least ten million dollars (\$10,000,000) as determined by the  
 38 assessor of the township in which the property is located.

39 SECTION 7. IC 6-1.1-12.1-8, AS AMENDED BY P.L.90-2002,  
 40 SECTION 125, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) Not later than December 31  
 42 of each year, the county auditor shall publish the following in a

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newspaper of general interest and readership and not one of limited subject matter:

(1) A list of the approved deduction applications that were filed under this chapter during that year. The list must contain the following:

(A) The name and address of each person approved for or receiving a deduction that was filed for during the year.

(B) The amount of each deduction that was filed for during the year.

(C) The number of years for which each deduction that was filed for during the year will be available.

(D) The total amount for all deductions that were filed for and granted during the year.

(2) The total amount of all deductions for real property that were in effect under section 3 of this chapter during the year.

(3) The total amount of all deductions for new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~, **new logistical distribution equipment** that were in effect under section 4.5 of this chapter during the year.

(b) The county auditor shall file the information described in subsection (a)(2) and (a)(3) with the department of local government finance not later than December 31 of each year.

SECTION 8. IC 6-1.1-12.1-11.3, AS AMENDED BY P.L.245-2003, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11.3. (a) This section applies only to the following requirements:

(1) Failure to provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter.

(2) Failure to submit the completed statement of benefits form to the designating body before the initiation of the redevelopment or rehabilitation or the installation of new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~, **new logistical distribution equipment** for which the person desires to claim a deduction under this chapter.

(3) Failure to designate an area as an economic revitalization area before the initiation of the:

(A) redevelopment;

(B) installation of new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~, **new logistical distribution equipment**; or

(C) rehabilitation;

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for which the person desires to claim a deduction under this chapter.

(4) Failure to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction for new manufacturing equipment, ~~or~~ new research and development equipment, or ~~both~~, **new logistical distribution equipment** under section 2, 3, or 4.5 of this chapter.

(5) Failure to file a:

(A) timely; or

(B) complete;

deduction application under section 5 or 5.4 of this chapter.

(b) This section does not grant a designating body the authority to exempt a person from filing a statement of benefits or exempt a designating body from making findings of fact.

(c) A designating body may by resolution waive noncompliance described under subsection (a) under the terms and conditions specified in the resolution. Before adopting a waiver under this subsection, the designating body shall conduct a public hearing on the waiver.

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